

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Police - Medak District - Sanction of Prosecution against **Sri P. Kanakaiah (A-3), PC 77, Dubbak Police Station, Medak District now presently working in Siddipet-II Town, Medak District** in Cr. No. 39/2002 under sections 341, 353, 186, 506, 307 and 379 of the Indian Penal Code, 1860 section 7 (1) (b) of the Criminal Law Amendment Act, 1932 of Dubbak Police Station of Medak District - Revised Orders - Issued.

HOME (LEGAL-II) DEPARTMENT

G.O. Ms. No. 60

Dated: 02-04-2012

Read the following:

- 1) From DGP, AP, Hyd, Lr. C. No. 911/Compts-4/2007, dt.7-3-2007, and 28-9-2007, along with the letter from SP Medak Dist.No.C1/ 43/PROSE /2003, dated:17-12-2003.
- 2) G.O.Ms.No.251, Home (Legal.II)Dept., dated:31-10-2011.
- 3) From DGP, AP, Hyd, Lr. C.No. 911/Compts-4/2007, dt.11-11-2011
- 4) From the DGP, AP, Hyd, Lr.Rc.No. 911/Compts-4/2011, dated: 15.03.2012.

ORDER:

Whereas, **Sri. P. Kanakaiah (A-3), PC 77, Dubbak Police Station, Medak District** is a "public servant" working in Dubbak circle, Medak District is a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860) and he is a member of the Police force charges maintenance of public order issued in G.O. Ms. No. 631, Home (Court-B) Department, dt.d 30-04-1974 and he is a public servant who is not removable from his office save by order and the sanction of the Government and as such governed by direction for prosecution of public servant as envisaged under sections 197 of Code of the Criminal Procedure 1973;

2. And whereas, it is reported by the Director General of Police, Andhra Pradesh, Hyderabad that, on 16-05-2002 at 1600 hours the complainant Sri. K. Sarveshwar Rao, Deputy Superintendent of Police, Anti Corruption Bureau Nizamabad lodged a complaint with the Sub-Divisional Police Officer, Siddipet at Dubbak Police Station, stating that, he is working as Deputy Superintendent of Police, Anti Corruption Bureau, Nizamabad Range, Nizamabad. On 16-05-2002 himself along with Inspectors K. Muralidhar, M. Surya Rao of Nizamabad and Sangareddy came to Dubbak after registering a case in Cr.No. 8/ACB-NZB/2002, under section 7 of the Prevention of Corruption Act, 1988 on the complaint of Sri. A. Balraj S/o Yellaiah R/o Peddagundavelli against Sri. K. Prabhaker Reddy, Circle Inspector of Police, Dubbak circle and G. Veeraiah, Sub-inspector of Police, Dubbak for demanding and accept of bribe RS. 15,000/-. After conducting the pre-trap proceedings at the office of Inspector, Anti Corruption Bureau, Sangareddy they left the office of Inspector, Sangareddy and reached Dubbak at 10.45 A.M. On his direction the complainant along with the accompanying witness Gangaiah entered into the Police Station 11.00 A.M. At about 11.30 A.M. the complainant A. Balraj along with accompanying witness Gangaiah came out from the main gate and gave pre-arranged signal to the trap party. Immediately K. Muralidhar, Inspector, Nizamabad, Sri. C.V. Sharma (Mediator) PCs 154, 1137 entered into SI's room. Sri. M. Surya Rao, Inspector, ACB, Sangareddy HC 831, PCs 393 and 1390 along with one mediator Omar Ali proceeded towards the CI's office as he is following to hide his identity. When M. Surya Rao, Inspector, ACB, Sangareddy, Krishna PC and mediator Md. Omar Ali entered into the room of Circle Inspector after introducing himself. Sri. M. Surya Rao, Inspector and Constable apprehended the Circle Inspector by holding his wrist, but the C.I. Prabhakar Reddy (A-1), forcibly licked his fingers and rubbed to the hand kerchief and became wild by saying in loud voice that "ACB Vallu leri, evaru leri, antha naxallites Lanja Kodukulu, Veellani lock-up-lo-veyandi, Kalchi Pareyandi, yemi chestunnarura meerantha, Yevarini padithe vallanu lopaliki ranishtharu, Kalchi pareyandi lanja kodkulunu" by saying the above words the C.I. Prabhakar

Reddy (A-1), caught hold the collar of Sri. M. Surya Rao, Inspector and dragged him towards the sentry post. On hearing the voice of Circle Inspector Prabhakar Reddy (A-1), the Constables Sri. Madhusudhan, PC 1858 (A-2), Kanakaiah, PC 77 (A-3), M. Mohan, Sentry PC 586 (A-4), A. Yadava Reddy, PC 1034 (A-5) and Yakub Jani, PC 1489 (A-6), and some others joined the C.I. and pushed all the ACB staff forcibly and manhandled them and obstructed the legitimate duties of ACB. In the meantime he introduced himself to Sri. Prabhakar Reddy C.I., Even then the C.I. shouted loudly on the ACB personnel. Later he warned the Circle Inspector to remain calm. Then the Circle Inspector Sri. Prabhakar Reddy kept silent and remained controlling self and his staff made thorough search after conducting and yielding of Sodium Carbonate test positive, but even then they could not recover the tainted amount. The Circle Inspector of Police, Sri. Prabhakar Reddy shouted loudly and caused obstruction to the Anti Corruption Bureau staff and sent the bribe tainted amount to outside with one of his close Constable. The C.I. Prabhakar Reddy and the Constables mentioned in the report have wrongfully restrained the DSP, Anti Corruption Bureau Inspector Sangareddy, staff and Government servant (mediator) Sri. Omar Ali. Therefore it is requested to take necessary action against Sri. Prabhakar Reddy, CI and five Constables who obstructed, manhandled, threatened with dire consequences and wrongful restraint. Thus there is sufficient material on record to charge the accused, person **Sri P.Kanakaiah (A-3);**

- (a) Under sections 341, 353, 186, 506, 307 and 379 of the Indian penal Code, 1860 for abating the offences of wrongfully restraint, assault, obstruction, Criminal intimidation, attempt to kill the DSP, Anti Corruption Bureau Inspector Sangareddy, Staff and Govt. Servant (mediator) Sri. Omar Ali, while discharging their lawful duties, committed theft of tainted amount of Rs.10,000/- and,
- (b) Under section 7 (1) (b) of the Criminal Law Amendment Act, 1932 obstructing the Anti Corruption Bureau officials when they entering or approaching into the circle office to attend their lawful duties.

3) And whereas, the investigation conducted by the Circle inspector of Police, Thoguta circle of Medak District in Cr. No. 39/2002 of Dubbak Police Station revealed that **Sri. P. Kanakaiah (A-3), PC 77, Dubbak Police Station, Medak District now presently working in Siddipet-II Town, Medak District** committed the offences punishable under sections 341, 353, 186, 506, 307 and 379 of the Indian Penal Code, 1860 and section 7(1)(b) of the Criminal Law Amendment Act, 1932;

4) And whereas, the Government of Andhra Pradesh, after careful examination of the various documentary evidence and the report of the Director General of Police, Andhra Pradesh, Hyderabad, and further in exercise of the powers conferred by sub-section (4) of section 197 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), have issued orders in the reference 2nd read above, to prosecute the said officer , along with others, in a court of Law for the above said offences or any other offences relating to the incident;

5) In the reference 3rd read above, the Director General of Police, Andhra Pradesh, Hyderabad, has informed that there are some spelling/typographical errors figured in the GO, issued in the reference 2nd read above, and further he has requested the Government, to issue revised orders for prosecution the accused police personnel of (6) members in Cr.No.39/2002, under sections, 341, 353, 186, 506, 307 and 379 of the Indian Penal Code, 1860 and section 7 (1)(b) of the Criminal Law Amendment Act, 1932 at Dubbak Police Station Medak District;

6) Now, the Government of Andhra Pradesh, after careful examination of the matter, in supersession of the orders issued in the GO 2nd read above, and in exercise of the powers conferred by clause (b) of sub-section (1) of section 197

of the Code of Criminal Procedure, 1973 (Act 2 of 1974) read with Notification – II issued in G.O. Ms. No. 631, Home (Courts-B) Department, dt. 30th April 1974, hereby accord permission to the Director General of Police, Andhra Pradesh, Hyderabad, to prosecute the accused person **Sri. P. Kanakaiah (A-3), PC 77, Dubbak Police Station, Medak District now presently working in Siddipet-II Town, Medak District**, for the said offences punishable under sections 341, 353, 186, 506, 307 and 379 of the Indian Penal Code, 1860 and section 7(1)(b) of the Criminal Law Amendment Act, 1932 at Dubbak Police Station Medak District, and issue prosecution orders against him in the interest of justice.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**(P. GAUTAM KUMAR)
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Director General of Police, Andhra Pradesh, Hyderabad.

Copy to:

Law (E) Department.
The P.S. to Prl. Secy. Home.
C.No. 16277/Legal.II/A2/2011
SF/SC.

SECTION OFFICER